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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,236	09/17/2003	Ching-Fu Hung	11644-US-PA	3278

31561 7590 05/04/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

HUYNH, KIM NGOC

ART UNIT PAPER NUMBER

2182

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,236

Applicant(s)

HUNG ET AL.

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,12,13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 7-11, 14-16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito et al. (US 2004/0042138 A1).

Claims 1 and 10-11, Saito discloses a data exchange USB device A directly connected to another USB device B to exchange data in either a host or device mode (both devices A and B are dual role devices, see Fig. 1B), wherein the USB device A having a USB interface (see Fig. 2) having host and device core circuits (ID circuit connected to ground or open), for communicating with the other device at respective mode (as detected by detector 12/150). Please note the interface circuit is a single circuit operates in either host or device mode (host or device core circuit) depending on the condition of the ID connection in the same manner the interface circuit (Fig. 2 of applicant).

Saito also discloses the device A is a USB device of various functions including digital camera, CD-RW drive, DVD drive, video camera, telephones (par. 241 and 243)

including mass storage device (see block diagram of USB device in Figs. 13A-C) and also include a data processing circuit 110 and state controller 112 for automatically accessing the storage device of another USB device operating at the device mode (function of dual role USB devices).

Saito discloses the functional module controlled by a user operating as a host or device mode and outputting a mode signal (par. 202 and Fig. 9, user connect the device in either host or device mode and detector 112 for detecting the ID signal)

Claims 4 and 14, Saito discloses the functional module having a buffer device (RAM 517-537) for temporarily storing data and a control device (CPU 510-530) controlling the mass storage.

Claims 7-8 and 15-16, Saito discloses the mass storage device having a nonvolatile storage media being flash memory and a storage interface (inherent in memory card of digital or video camera).

Claims 9 and 19 recites the combination of claims 4, 7-8, 14-16 and therefore rejected accordingly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 17-18 are rejected under 35 U.S.C. 103(a) as obvious over Saito.

Saito disclose all the limitations of claims 1 and 10 above, Saito does not explicitly disclose the USB device includes an analog to digital codec circuit connected to buffer device in MP3 format. However, as noted above Saito discloses the device can be of various types having audio capability (video, CD-RW or DVD drives, telephones TV). MP3 has also been the standard in the industry for processing audio signals due to its portability. It would have been obvious to one having ordinary skill in the art to realize that the USB device of Saito would include a A/D codec in MP3 format in order to process audio signals and take advantage of the portability of the audio files since Saito discloses that his dual role device including devices that processing audio signals.

Allowable Subject Matter

5. Claims 2-3, 6, 12-13, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

6. The statement of reasons for the indication of allowable subject matter is a indicated in the previous office action.

Response to Arguments

Applicant's arguments filed 4/13/05 have been fully considered but they are not persuasive.

a. Applicant argues that since the device of Saito can perform functions other than data exchange, Saito reference does not meet anticipate the claimed invention. The examiner disagrees with this line of argument. Saito discloses a data exchange USB device having a USB interface module which can directly connects two USB devices wherein one of the USB device can function as the host to alleviate the need of connecting to a host computer as claimed and therefore, anticipates the claims.

b. As for the argument that element 112 is not a mass storage device. The examiner provides a more detail explanation of the functional module in order to assist the applicant in the understanding of the Saito reference as applied to the rejection. Since Saito also discloses the device A is USB devices including digital camera, CD-RW drive, DVD drive, video camera, telephones (par. 241 and 243). Each of the USB recited above would inherently include a functional module (illustrated as the data processing 110) having mass storage (see Fig. 13-14) connecting to the USB interface module and having state controller 112 for automatically accessing the storage device of another USB device operating at the device mode (function of dual role USB devices). The designation 112 was directed to the function of enabling the automatic mode switching of the USB device. The examiner certainly hopes that the applicant appreciates the fact that each of the functional module of USB devices includes more than just the state controller 112 based on the discussion in the previous rejection regarding the USB device being digital camera, CD-RW drive, DVD drive, video camera, telephones each of which include a storage device for storing the exchanged data.

Conclusion

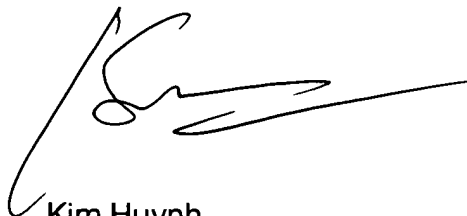
THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kim Huynh', with a long horizontal stroke extending to the right.

Kim Huynh
Primary Examiner
Art Unit 2182

KH
4/26/05